

seizure and condemnation of 3 dozen bottles and 6 dozen bottles of Simmons' cough sirup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the A. B. Richards Medicine Co., Sherman, Tex., February 26, 1920, and January 18, 1921, respectively, and transported from the State of Texas into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ammonium chlorid, glycerin, chloroform, vegetable extracts, alcohol, sugar, and water, flavored with anise oil.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the labeling thereof, (on a portion of the bottles) "* * * For Consumption and Bronchial Troubles of the Throat, Chest and Lungs. * * *," (Spanish) "* * * For consumption, pneumonia and all bronchial affections of the chest and of the throat. * * *," (on remainder of the bottles) "For * * * Whooping Cough, Influenza and Bronchial Affections * * *," (Spanish) "For whooping cough, influenza, sore throat and all bronchial affections," (on a portion of the cartons) "* * * For The Relief of * * * Whooping Cough Influenza Hoarseness And Sore Throat Asthma Bronchitis And Bronchial Affections * * *," (on remainder of the cartons) "* * * Bronchial Affections Of The Throat, Chest & Lungs. * * *," (German) "* * * Phthisis, Bronchial Affections of the Throat, Chest and Lungs. * * *," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements.

On August 17, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be disposed of according to law. The product was destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9978. Misbranding of DuBois Pefic pills. U. S. * * * v. 3 Dozen and 2 Dozen Boxes of * * * DuBois Pefic Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14679, 14680. I. S. Nos. 10701-t, 10425-t. S. Nos. W-896, W-897.)

On March 24, 1921, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 dozen and 2 dozen boxes of DuBois Pefic pills, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., on or about February 3 and 23, 1921, respectively, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing in the circular accompanying the said article, to wit, "DuBois Pills * * * Reliable Female Tonic and Regulator * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills * * * a female tonic exerting help-

ful medicinal action over the female organs. * * * of utmost value in assisting in the relieving of pain, due to leucorrhea, etc., and regulating the menses. * * * suppressed menstruation, painful menstruation, * * * For leucorrhea * * * In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. * * * When the period is irregular * * *,” were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On August 17, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be disposed of according to law. The product was destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9979. Adulteration of catsup. U. S. * * * v. 150 Cases of Polk's Best Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14704. I. S. No. 13062-t. S. No. C-2960.)

On April 5, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases of Polk's Best catsup, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the J. T. Polk Co., from Mound City, Ill., on or about December 23, 1920, and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: “Polk's Best Catsup” (design of whole red tomatoes) “J. T. Polk Co., Chicago, Ill.”

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On November 18, 1921, the Sears and Nichols Canning Co., Chillicothe, Ohio, claimant, having admitted that the property was subject to seizure and confiscation for the reasons set forth in the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the sound and wholesome portion thereof be segregated from the decomposed and unsound portion, under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9980. Misbranding of cottonseed meal. U. S. * * * v. 200 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 463-c.)

On July 2, 1919, the United States attorney for the District of Maine, acting upon a report by the Chief of the Bureau of Inspection of the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of cottonseed meal, remaining unsold in the original unbroken packages at Portland, Me., alleging that the article had been shipped on or about June 4, 1919, and transported from the State of Georgia into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, “Good Cotton Seed Meal, Manufactured for W. D. Hall Company, dealers, Atlanta, Ga.”